

FORM A

**FORM TO BE USED BY A PRISONER IN FILING A COMPLAINT
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983**

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA**

Aron Wesley Nichols

[NOTE: Enter the FULL name and inmate number of each Plaintiff]

vs.

COMPLAINT

Joey Joyce NDSP Warden

Tammy Homann NDSP Mail Clerk

[NOTE: Enter the FULL name of each Defendant]

I. Previous Lawsuits:

[NOTE: If there is more than one plaintiff, attach a separate sheet with the information in part I and II below for EACH plaintiff.]

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or have you filed any other lawsuits relating to your imprisonment? Yes No
- B. If your answer to A is Yes, please answer questions 1 through 7. (If there is more than one lawsuit, describe the additional lawsuits on another sheet of paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiffs Aron Wesley Nichols

Defendants Leann Berthch, Colby Braun, Barb Gross, Shawn Fode,

2. Court : Western District of North Dakota (Federal)
 [NOTE: for federal court lawsuits, name the district and for state court lawsuits, name the county]

3. Case Number: _____

4. Name of judge to whom lawsuit was assigned: _____

5. Disposition of lawsuit, if known: Dismissed
 [NOTE: for example, was the lawsuit dismissed, appealed, or still pending]

6. Approximate date lawsuit was filed: July (?) of 2017 (?)
7. Approximate date lawsuit ended: Somewhere I believe in 2018?

II. Place of Present Confinement: North Dakota State Penitentiary

- A. Is there a prisoner grievance procedure in this institution? Yes No
- B. Did you present the facts relating to your complaint to the institution's prisoner grievance procedure? Yes No
- C. If your answer is YES,

1. What steps did you take?

2. What was the result?

- D. If your answer is NO, explain why not:

North Dakota State Penitentiary has policy in place which prohibits inmates filing grievances against the mailroom and its staff who work in the prison's mailroom.

- E. If there is no prison grievance procedure in the institution, did you complain to prison authorities? Yes No

- F. If your answer is YES,

1. What steps did you take?

Wrote multiple Inmate Request forms about issues to Deputy Warden Shawn Fode who is overseer to the mailrooms.

2. What was the result?

The issues continued to persist.

III. Parties

[NOTE: In item A below, enter your name in the first blank and your present address in the second blank. Do the same for additional plaintiffs, on line B, if any.]

A. Name of plaintiff: Aron Wesley Nichols #33214

Address: NDSF P.O. Box 5501 Bismarck, ND 58506

B. Additional plaintiffs:

[NOTE: In items C-F below, enter the full name of the defendant in the first blank, defendant's official position in the second blank, whether you are suing defendant in both official and individual capacity in third blank and defendant's place of employment in the fourth blank.]

C. Name of Defendant #1: Joey Joyce

Official Position: Warden

If Defendant is a government official or employee, are you suing the Defendant in his or her official capacity? Yes No

If Defendant is a government official or employee, are you suing the Defendant in his or her individual capacity? Yes No

Place of Employment: North Dakota State Penitentiary

D. Name of Defendant #2: Tammy Homann

Official Position: Mail Clerk

If Defendant is a government official or employee, are you suing the Defendant in his or her official capacity? Yes No

If Defendant is a government official or employee, are you suing the Defendant in his or her individual capacity? Yes No

Place of Employment: North Dakota State Penitentiary.

E. Name of Defendant #3: _____

Official Position: _____

If Defendant is a government official or employee, are you suing the Defendant in his or her official capacity? Yes No

If Defendant is a government official or employee, are you suing the Defendant in his or her individual capacity? Yes No

Place of Employment: _____

F. Name of Defendant #4: _____

Official Position: _____

If Defendant is a government official or employee, are you suing the Defendant in his or her official capacity? Yes No

If Defendant is a government official or employee, are you suing the Defendant in his or her individual capacity? Yes No

Place of Employment: _____

G. Additional Defendants : Use a separate sheet of paper. Write the heading **PART II
CONTINUED** at the top of that sheet. For each additional defendant list:

Name
Official Position
Suing in Official and/or Individual Capacity
Place of Employment

IV. Jurisdiction

This complaint is brought pursuant to 42 U.S.C. § 1983, and jurisdiction is based on 28 U.S.C. § 1333(a)(3). Plaintiff(s) allege(s) that the defendant(s) acted under color of state law with regard to the facts stated in part V of this complaint.

V. Statement of Claim

- A. Claim No. 1: [NOTE: State here as briefly as possible the basis for your claim, including the facts of your case. You MUST state exactly what each defendant personally did, or failed to do, which resulted in harm to you. Include also the names of other persons involved (for example, other inmates) and state the date and place of all events.]

Are you claiming any physical injury? Yes No If yes, please describe.

Violation of first Amendment of Freedom of Religion.
forcing religious beliefs upon myself in censorship of
news & information.

- B. Claim No. 2: [NOTE: State here as briefly as possible the basis for your claim, including the facts of your case. You MUST state exactly what each defendant personally did, or failed to do, which resulted in harm to you. Include also the names of other persons involved (for example, other inmates) and state the date and place of all events.]

Are you claiming any physical injury? Yes No If yes, please describe.

Violation to Constitutional Rights of freedom of the
Media by censoring media access to news and
information of a media outlet.

- C. Claim No. 3: [NOTE: State here as briefly as possible the basis for your claim, including the facts of your case. You MUST state exactly what each defendant personally did, or failed to do, which resulted in harm to you. Include also the names of other persons involved (for example, other inmates) and state the date and place of all events.]

Are you claiming any physical injury? Yes No If yes, please describe.

Violation of 14th Amendment of Equal Protection under the law. Discriminating against myself for being an openly gay man. Trying to make me conform to their own beliefs on who I should be.

- D. Claim No. 4: [NOTE: State here as briefly as possible the basis for your claim, including the facts of your case. You MUST state exactly what each defendant personally did, or failed to do, which resulted in harm to you. Include also the names of other persons involved (for example, other inmates) and state the date and place of all events.]

Are you claiming any physical injury? Yes No If yes, please describe.

Violation of freedoms of politics, forcing their political views, opinions, and/or beliefs upon myself. In doing so, censoring media information that is contrary to their own political views and agenda.

E. Additional Claims: Attach an extra sheet if necessary, and write the heading **PART V
CONTINUED** at the top of that sheet

VI. Relief

[NOTE: State briefly exactly what you want the Court to do for you.]

~~Searched Attached~~ Grant Relief in the form of:

\$ 10,000 ⁰⁰ - Religious Persecution	\$ 20,000 ⁰⁰ - Mental Distress
\$ 10,000 ⁰⁰ - Political Persecution	\$ 10,000 ⁰⁰ - Censorship of News & Media
\$ 50,000 ⁰⁰ - Discrimination against LGBTQ+ Inmate	
\$ 50,000 ⁰⁰ - Homophobic Discrimination	\$ 100,000 ⁰⁰ - Failure to Protect LGBTQ+ Inmate

VII. Signature(s) of Plaintiff(s)

Signed this 14th day of June, 2023.

Chon Wesley Nichols
(Signature of Plaintiff)

Signatures of additional plaintiffs, if any:
